



Sen. Arthur J. Wilhelmi

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1 AMENDMENT TO SENATE BILL 323

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 323, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 Section 5. The Build Illinois Act is amended by adding  
6 Section 9-4.7 as follows:

7 (30 ILCS 750/9-4.7 new)

8 Sec. 9-4.7. Military Reservist Business Assistance Loan  
9 Program.

10 (a) As used in this Section:

11 "Period of military conflict" means (i) a period of war  
12 declared by Congress; (ii) a period of national emergency  
13 declared by Congress or by the President; or (iii) a period in  
14 which a member of a reserve component of the armed forces of  
15 the United States is ordered to active duty pursuant to Section  
16 12304 of Title 10 of the United States Code.

17 "Owner" means a person with at least a 20% ownership  
18 interest in a small business.

19 "Key employee" means an individual who is employed by a  
20 small business and whose managerial or technical expertise is  
21 critical to the successful day-to-day operation of the  
22 business.

23 "Small business" means a business with 50 or fewer  
24 employees.

1       "Substantial economic injury" means an economic harm to a  
2 small business that results in the inability of the small  
3 business to (i) meet its obligations as they mature; (ii) pay  
4 its ordinary and necessary operating expenses; or (iii) market,  
5 produce, or provide a product or service.

6       (b) In the making of military reservist business assistance  
7 loans, the Department is authorized to employ different  
8 criteria in lieu of the general provisions of subsections (b),  
9 (d), (e), (f), (h), and (i) of Section 9-4.

10       (c) From funds appropriated for that purpose, the  
11 Department shall administer a Military Reservist Business  
12 Assistance Loan Program. The Director shall make loans to small  
13 businesses (i) that lose an owner or a key employee due to a  
14 period of military conflict and (ii) that will experience  
15 substantial economic injury as a result of the loss of that  
16 owner or key employee.

17       (d) The Department may accept grants, loans, or  
18 appropriations from the federal government or from any private  
19 entity to be used for the purposes of this program and may  
20 enter into contracts and agreements in connection with those  
21 grants, loans, or appropriations.

22       (e) Loans made pursuant to this Section:

23           (1) Shall not exceed \$150,000.

24           (2) Shall have an interest rate below the market rate  
25 loan percent.

26           (3) Shall have repayment terms determined by the  
27 Department and that do not exceed 30 years.

28           (4) Shall be protected by security. Financial  
29 assistance may be secured by first, second, or subordinate  
30 mortgage positions on real or personal property, by royalty  
31 payments, by personal notes or guarantees, or by any other  
32 security satisfactory to the Department to secure  
33 repayment. Security valuation requirements, as determined  
34 by the Department, for the purposes of this Section, may be

1       less than required for similar loans not covered by this  
2       Section, provided the applicant demonstrates adequate  
3       business experience, entrepreneurial training, or a  
4       combination thereof, as determined by the Department.

5       (5) Shall be in the principal amount and form and  
6       contain the terms and provisions with respect to security,  
7       insurance, reporting, delinquency charges, default  
8       remedies, and other matters that the Department determines  
9       are appropriate to protect the public interest and  
10       consistent with the purposes of this Section.

11       (f) The Department shall not award any loan under this  
12       Section to: (i) a small business or subsidiary of that business  
13       that has already been awarded a loan under this Section within  
14       the same fiscal year; or (ii) a small business that was awarded  
15       a loan under this Section on which the balance remains unpaid.

16       (g) Within 30 days after the owner or key employee returns  
17       to non-active duty status, arrangements shall be made for the  
18       repayment of the loan.

19       Section 99. Effective date. This Act takes effect upon  
20       becoming law."